



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,921	12/16/2003	Di Wei	10691; 60246-220	5823
26096	7590	03/24/2009	EXAMINER	
CARLSON, GASKEY & OLDS, P.C.			MAYEKAR, KISHOR	
400 WEST MAPLE ROAD				
SUITE 350			ART UNIT	PAPER NUMBER
BIRMINGHAM, MI 48009			1795	
			MAIL DATE	DELIVERY MODE
			03/24/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte:* DI WEI, THOMAS VANDERSPURT,  
RAKESH RADHAKRISHNAN, STEPHEN HAY,  
TIMOTHY OBEE and WAYDE SCHMIDT

---

Application No. 10/736,921  
Technology Center 1700

---

Mailed: March 24, 2009

---

Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on February 19, 2008. On May 16, 2008, the Examiner mailed a communication acknowledging receipt of Appellants' Reply Brief filed. The response contains additional arguments which are improper. The comments made by the Examiner constitute a Supplemental Examiner's Answer. In accordance with MPEP § 1207.05, all Supplemental Examiner's Answers must be approved by a Technology Center (TC) Director or designee. The Communication mailed May 16, 2008, was not signed by the Technology Center Director or designee.

**CONCLUSION**

Accordingly, it is  
ORDERED that the application is returned to the Examiner to:  
1) properly consider the Reply Brief filed February 19, 2008 as indicated above; and  
2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/tsj

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009